

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SEAN MOFFITT,

Plaintiff,

v.

WARDEN USP-1 COLEMAN,
PENNSYLVANIA ATTORNEY GENERAL,
DISTRICT ATTORNEY OF ALLEGHENY
COUNTY,

Defendants.

2:23-CV-00685-CCW-MPK

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On September 29, 2023, the Magistrate Judge issued a Report, ECF No. 9, recommending that Petitioner Sean Moffitt's Petition for a Writ of Habeas Corpus, ECF No. 8, be dismissed *sua sponte* and a certificate of appealability be denied. Service of the Report and Recommendation ("R&R") was made on the parties, and Mr. Moffitt has filed Objections. *See* ECF No. 12.

After a *de novo* review of the pleadings and documents in the case, together with the R&R and the Objections thereto, it is hereby ORDERED that the Petition for a Writ of Habeas Corpus, ECF No. 8, is **dismissed without prejudice**, no certificate of appealability will be issued, and the R&R, ECF No. 9, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 15th day of November 2023.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via United States Mail):

Sean Moffitt
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